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GROUP 1600

FACSIMILE TRANSMISSION**OFFICIAL
URGENT**DATE: **MAY 8, 2002**

TO:

Hard Copy to Follow via Mail: **NO**

NAME	FAX NO.	PHONE NO.
Norma Villa Rivera - USPTO	Fax - 703-308-4536	

FROM: **Collene K Houston**RE: **Missing Preliminary Amendment****URGENT**

OUR REF: 100848.213102USS	NUMBER OF PAGES, INCLUDING COVER: 42
DIVISIONAL PATENT APPLICATION OF 09/624,855	
USE OF RIBAVIRIN TO TREAT HCV INFECTION	
ROBERT TAM - ICN PHARMACEUTICALS, INC.	

MESSAGE:

Per your telephone conversation with Martin Fessenmaier, earlier today, attached are copies of the above referenced application papers including the first page of the parent application, Preliminary Amendment, Petition to Make Special, and the return receipt postcard filed with the application. We never received our filing postcard with the serial number so we do not know the serial number for this application yet. Please provide the serial number to us as soon as possible. Also attached are the second Preliminary Amendment and the return receipt postcard stamped by the USPTO.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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2022/00x-
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We noticed that the title on the Application Transmittal and Amendment Transmittal is incorrect. Please let us know the best way to have the title changed, such as filing a request for a corrected filing receipt when we receive the filing receipt.

Finally, please confirm receipt of all the attached documents. You may fax us at the above listed number. If you have further questions, please contact us at the above listed telephone number.

Sincerely,

Collene Houston

Collene Houston, CLA

Certified Legal Assistant

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2022/XXX-
00/00/00

Practitioner's Docket No. 100330.213102US5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Robert Tam**
 Application No.: **Divisional of 09/624,855**
 Filed: **July 25, 2000**
 For: **Use of Ribavirin to Treat HCV Infection**

Group No.: **1623**
 Examiner: **H. Owens**


Assistant Commissioner for Patents
 Washington, D.C. 20231

AMENDMENT TRANSMITTAL

- Transmitted herewith is a preliminary amendment for this application.
- Applicant is other than a small entity.
- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
- The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	8	- 20	= 0	x \$ 18.00	= \$ 0.00
INDEP.	3	- 3	= 0	x \$ 80.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$ 0.00
ADDIT. FEE			\$ 0.00		

No additional fee for claims is required.

Date: 5 April 2002


Robert D. Fish

Reg. No.: 33,880
 Tel. No.: 714-641-5100
 Customer No.: 24392

Rutan & Tucker, LLP
 P.O. Box 1950
 Costa Mesa, CA 92626-1950

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Date: 4/9/02


Collene Houston

Practitioner's Docket No. 100330.213102US5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **Robert Tam**For (title): **Use of Ribavirin to Treat HCV Infection**

1. This transmittal is for a divisional application.
2. This application is a divisional of co-pending, US Appl. No. 09/624,855, filed July 25, 2000, which is a continuation in part of US Appl. No. 09/156,646, filed September 18, 1998 and issued November 21, 2000, as US 6,150,337, which is a continuation in part of US Appl. No. 09/097,450, filed June 15, 1998 and issued on May 16, 2000 as 6,063,772, which is a continuation of US Appl. No. 08/590,449 filed Jan 23, 1996 and issued on June 16, 1998 as US 5,767,097.

This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

3. Papers Enclosed and required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application:

Copy of parent application including 17 pages of Specification, 1 page of Claims, 1 page of Abstract, and 7 sheets of Drawings.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231 as "Express Mail Post Office to Addressee" Mailing Label No. EL 722858143 US.

Date.

3/8/02
Collene Houston

New Application Transmittal--page 1 of 3

Copy of Declaration and Power of Attorney from parent application (3 pages).

4. **Additional Papers Enclosed: Preliminary Amendment, Petition to Make Special Because of Actual Infringement and Statement in Support of Petition to Make Special.**
5. The inventorship for all the claims in this application is the same.
6. **Language: English**
7. **Fee Calculation (37 C.F.R. Section 1.16)**
Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	6	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00

Filing Fee Calculation \$740.00

8. **Fee Payment Being Made at This Time**

Enclosed

Filing Fee	\$740.00
Petition fee for Petition to Make Special	\$130.00
Total Fees Enclosed	\$870.00

New Application Transmittal--page 2

9. Check in the amount of \$870.00 is attached.

10. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 500341.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

11. Instructions as to Overpayment

Credit Account No. 500341.

16. A notification of the filing of this divisional is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: _____



Robert D. Fish

Reg. No.: 33,880
Tel. No.: 714-641-5100
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Costa Mesa, CA 92626-1950

New Application Transmittal--page 3

05-08-02 02:57pm - From-RUTAN & TUCKER LLP

714-546-9035

T-787 P.42/42 F-075

Payee: U.S. Patent & Trademark Office
Vendor ID: 04259

Check #: 3000077
Check Date: Mar 05/02

<u>Invoice Number</u>	<u>Description/GL Code/Client No.</u>	<u>Payment Amt</u>
030502A	Divisional & Petition to Make Special 100330 213102US5/ 020	870 00
Totals		\$870.00

WLCAS1111TP

FORMS FOR LESS 848-361-0801 Fax 848-361-6928

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Practitioner's Docket No. 100330.213102US5

PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: **Tam, Robert**Application No.: **Not Yet Assigned**Filed: **Herewith**For: **Use of Ribavirin to Treat HCV Infection**Assistant Commissioner for Patents
Washington, D.C. 20231**STATEMENT IN SUPPORT OF PETITION TO MAKE
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. Section 708.02)**

I, Robert D. Fish,

Rutan & Tucker, LLP
P.O. Box 1950
Costa Mesa, CA 92626-1950
Tel. No. 714-641-5100

am the practitioner in this case and make the following statements:

1. I have made a rigid comparison of the alleged infringing method referred to in my accompanying statement with the claims of this application.
2. That, in my opinion, all claims on file in this application are unquestionably infringed (see attached copies of complaints for infringement: Exhibit A - case number SACV01-892, sans attachments and Exhibit B - 02CV600, sans attachments).
3. I have caused to be made a search of the pertinent prior art. All such material art is provided to the Examiner as being filed in a respective Information Disclosure Statement.
4. That I believe all the claims in this application as on file are allowable.

Date: 7 March 2002
Robert D. Fish
Reg. No.: 33,880

Please acknowledge receipt of the following by affixing hereon the Official date stamp and returning this card to our office.

Title: Use of Ribavirin to Treat HCV Infection
Inventor: ICN Pharmaceuticals - Robert Tam
Filing Date: 08 March 2002
Serial #: Divisional of 09/624,855 filed 7/25/02
Matter Type: Patent - US
Date of Deposit: 9 April 2002
Matter #: 100330.213 US
Enclosures: (A) Amendment Transmittal, (B) Preliminary Amendment (3 pages),
(C) Return Receipt Postcard

